

## **REMARKS**

Claims 1-23 remain in the application. Claim 1 is the only claim in independent form.

Addressing the technical issues first, claims 5 and 15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite based on "said coating" not having an antecedent basis. Applicant has corrected the dependency of claims 5 and 15 providing antecedent basis for the aforementioned limitation.

Applicant has amended claim 1 to more specifically and clearly characterize the present invention. Specifically, claim 1 now claims an active drive spherical means for actively enabling the omni directional movement and the active drive means which engages the spherical means providing frictional engagement to drive the spherical means. Support for this amendment on page 4, lines 5-16 as well as in various other locations in the application. The invention provides not only selective translational movement, as stated in the last paragraph on page 3, which is in the forward and rearward direction, it would also provide omni-directional movement.

Independent claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by the Japanese patent 62-203824 to Yagi. However, it is noted that the numerical references and figure references in the Office Action apply better to the other cited Japanese patent 2001-354156. Accordingly, applicant will refer to this patent, especially since the reference numerals and figures cited in the Yagi patent are not shown in the Yagi patent.

The Office Action states that the cited reference discloses spherical means in the form of a globe (33). Technically, applicant was not provided with any translation of any of the Japanese reference. Accordingly, reference was only made to the figures of the reference. Applicant has obtained and attaches hereto a rough translation of a significant portion of the patent, obtained by Google translations. The translation was obtained by first searching and obtaining the cited

patent and then requesting an automatic translation provided by Google. Accordingly, the translation is a rough translation, but is a more accurate rendition of the disclosure of the patent than mere speculation of the disclosure from the drawings. The translation cites that the cited patent discloses hemispheres which are wheel shaped, as disclosed in each of the drawings.

Since an anticipation rejection requires that each and every limitation of a claim be disclosed in the cited reference and the cited reference in this situation does not disclose the spherical means of the present invention, nor does it disclose, for that matter, the active drive means which directly engages the spherical means, it must be undisputed that the anticipation rejection fails as a matter of law. Accordingly, it is respectfully submitted that independent claim 1 is patentable over the cited prior art.

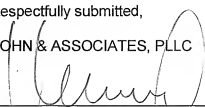
The remaining dependent claims are all ultimately dependent upon independent claim 1, as discussed above. No prior art reference makes up for the deficiencies of that reference as applied against independent claim 1, as no prior art discloses the combination of features as set forth in amended claim 1. Hence, it is respectfully submitted that independent claim 1 is patentable over all prior art.

In conclusion, it is respectfully submitted that the presently pending claims are in condition for allowance, which allowance is respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC

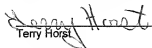
  
\_\_\_\_\_  
Kenneth I. Kohn  
Registration No. 30,955  
Customer No: 48924

Dated: 1/29/09

CERTIFICATE OF ELECTRONIC FILING VIA EFS-WEB

Date of Electronic Filing: 1/29/09

I hereby certify that this correspondence is being electronically filed with the United States Patent & Trademark Office on the above date.

  
\_\_\_\_\_  
Terry Horst